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UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON  
PORTLAND DIVISION

DISABILITY RIGHTS OREGON, on  
behalf of its clients and constituents, and  
JOSHUA WESLEY,

Plaintiffs,

v.

Case No. 3:24-cv-00235-SB

DEFENDANT WASHINGTON COUNTY  
CONSOLIDATED COMMUNICATIONS  
AGENCY'S UNOPPOSED MOTION FOR  
EXTENSION OF TIME TO RESPOND TO  
PLAINTIFFS' COMPLAINT

WASHINGTON COUNTY, a political  
subdivision of the State of Oregon; and the  
WASHINGTON COUNTY  
CONSOLIDATED COMMUNICATIONS  
AGENCY, an intergovernmental entity in  
the State of Oregon,

Defendants.

## **LOCAL RULE 7-1 CERTIFICATION**

Counsel for Defendant Washington County Consolidated Communications Agency (“WCCCA”) certifies that WCCCA’s counsel conferred in good faith with counsel for plaintiffs Disability Rights Oregon, and Joshua Wesley about this motion, and plaintiffs do not oppose this motion.

## **MOTION**

In accordance with Federal Rule of Civil Procedure 6(b), WCCCA moves this Court for a 14-day extension to the deadline to respond to plaintiffs’ complaint filed on February 5, 2024. The current deadline for WCCCA to respond to plaintiffs’ complaint is April 5, 2024, and WCCCA requests a 14-day extension of that deadline to April 19, 2024. Due to WCCCA’s counsel’s personal and professional obligations, WCCCA requires additional time to complete its investigation into each of the allegations made in plaintiffs’ 61-page, 257-paragraph complaint and to finalize its response to the complaint.

This motion is being made in good faith and not for purpose of delay, and no party will be prejudiced by this request.

## **MEMORANDUM OF LAW**

“When an act may or must be done within a specified time, the court may, for good cause, extend the time: (A) with or without motion or notice if the court acts, or if a request is made, before the original time or its extension expires.” Fed R Civ P 6(b)(1)(A). “‘Good cause’ is a non-rigorous standard that has been construed broadly across procedural and statutory contexts.” *Ahanchian v. Xenon Pictures, Inc.*, 624 F 3d 1253, 1259 (9th Cir 2010). “[R]equests for extensions of time made before the applicable deadline has passed should normally . . . be

granted in the absence of bad faith on the part of the party seeking relief or prejudice to the adverse party.” *Ahanchian*, 624 F 3d at 1259 (internal quotation marks and citation omitted).

Here, good cause exists for the requested 14-day extension because WCCCA’s counsel’s professional and personal obligations, including drafting and filing an emergency petition for review in the Washington Supreme Court on March 21, 2024. This is WCCCA’s first request for an extension of time to file a response to plaintiffs’ 61-page, 257-paragraph complaint. This motion is made in good faith and not for purposes of delay. Critically, there is no indication that WCCCA’s counsel is acting in bad faith or that an extension of time would prejudice plaintiffs. To the contrary, WCCCA’s counsel acted conscientiously by timely seeking an extension of time due to necessity. Finally, plaintiffs do not oppose this motion. Put simply, WCCCA’s requested extension of time is reasonable, justified, and would not result in prejudice to any party.

### CONCLUSION

For the reasons stated above, WCCCA respectfully requests that the Court grant this motion and issue an order extending the deadline for it to respond to plaintiffs’ complaint to April 19, 2024.

DATED this 29th day of March, 2024.

MILLER NASH LLP

*s/Iván Resendiz Gutierrez*

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CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing DEFENDANT WASHINGTON COUNTY CONSOLIDATED COMMUNICATIONS AGENCY'S UNOPPOSED MOTION FOR EXTENSION OF TIME TO RESPOND TO PLAINTIFFS' COMPLAINT on:

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by the following indicated method or methods on the date set forth below:

- ☒ **CM/ECF system transmission.**
- ☐ **E-mail.** As required by Local Rule 5.2, any interrogatories, requests for production, or requests for admission were e-mailed in Word or WordPerfect format, not in PDF, unless otherwise agreed to by the parties.
- ☐ **Facsimile communication device.**
- ☐ **First-class mail, postage prepaid.**
- ☐ **Hand-delivery.**
- ☐ **Overnight courier, delivery prepaid.**

DATED this 29th day of March, 2024.

*s/Iván Resendiz Gutierrez*

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